

Attorney Docket: 26307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SIMON

Serial Number: 10/507,500

GAU: Unknown

Filed: September 13, 2004

Examiner: Unknown

For: **USE OF PROTON PUMP INHIBITORS FOR THE TREATMENT OF AIRWAY DISORDERS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

- [] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or
- [] ii. a check in the amount required by 37 C.F.R. 1.17(p).

[] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

- [] Certification report(e) below; and
- [] a check in the amount as required by 1.17(p).

[] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By: 

Date: December 8, 2004
NATH & ASSOCIATES PLLC
1030 15th Street, N.W., 6th Floor
Washington, D.C. 20005-1503
Tel. (202) 775-8383
Fax. (202) 775-8396

Gary M. Nath
Registration Number 26,965
Sheldon M. McGee
Registration Number 50,454
Customer Number 34375

GMN/SMM/le

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Attorney Docket: 26307		Serial Number: 10/507,500	
				Inventor: SIMON			
				Filing Date: September 13, 2004		GAU: Unknown	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	A1	6,159,968 A	12 DEC. 2000	CUPPOLETTI			15 JAN. 1999
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub-Class	Translation
	A2	00/50037 A1	31 AUG. 2000	WO			N/A
	A3	98/16228 A1	23 APR. 1998	WO			N/A
	A4	01/97753 A2	27 DEC. 2001	WO			N/A
	A5	127 14 34	28 MAY. 1997	IT			ABSTRACT
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	A6	XP-001096012: Meier, J.H., "Does Omeprazole (Prilosec) Improve Respiratory Function in Asthmatics with Gastroesophageal Reflux?", <i>Digestive Diseases and Sciences</i> , Vol. 39, No. 10, pp. 2127-2133, (1994).					
	A7	XP-002210184: Derwent Publication 1998-123381 "Antihistamine Compositions"					
	A8	XP-008002262: Israel, D.M., et al., "Omeprazole and Other Proton Pump Inhibitors: Pharmacology, Efficacy, and Safety, with Special Reference to Use in Children", <i>Journal of Pediatric Gastroenterology and Nutrition</i> , Vol. 27, No. 5, pp.568-579, (1998).					
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							